S.B.CIVIL TRANSFER PETITION NO.26/2006

Smt. Suman

vs.

Navaratan.

DATE OF ORDER ::: 13.9.2006

PRESENT

HON'BLE MR. PRAKASH TATIA, J.

Mr. CP Soni, for the petitioner.

Mr. Chaitanya Gahlot, for the respondent.

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Heard learned counsel for the parties.

The petitioner, wife of the respondent, has moved this petition for transfer of the Petition No.6/2006 filed by the respondent under Section 9 of the Hindu Marriage Act and which is pending in the Court of Additional District Judge, Ratangarh Camp Sujangarh to Family Court, Jodhpur.

According to the petitioner, the petitioner had already filed petition under Section 125 CrPC and a petition for divorce under Section 13 of the Hindu Marriage Act against the respondent which are pending at Family Court, Jodhpur. To counter, the respondent has filed the petition under Section 9 of the Hindu Marriage Act subsequent thereto at Ratangarh. It is submitted that the distance of Ratangarh from Jodhpur is about 350 kms., as admitted by learned

counsel for the respondent also. It is submitted that the petitioner is a young lady aged 29 years only.

In view of the allegations and counter allegations, it will be appropriate that the two petitions – one filed under Section 13 by the petitioner and another filed under Section 9 by the respondent be decided by one Court. Therefore, it will be appropriate that the petition filed by the respondent be transferred.

In view of the above, this transfer petition is allowed, the Petition no.6/2006 (Navaratan vs. Smt. Suman) filed by the respondent pending in the Court of Additional District Judge, Ratangarh camp Sujangarh is hereby withdrawn and is transferred to the Family Court, Jodhpur for deciding the same in accordance with law.

Both the parties are directed to remain present before the Family Court, Jodhpur on 9.10.2006.

(PRAKASH TATIA), J.

S.Phophaliya